

Def may
answer on
or before
8/18/08. FINAL!! 22 2008
Both Pl + Def. CHAMBERS OF
RICHARD M. BERMAN
better become familiar
with Court (+ local) rules ASAP.
SO ORDERED:
Date: 7/22/08 Richard M. Berman
Richard M. Berman, U.S.D.J.
Settlement + Rule 16 conference on 8/20
9:15.
counsel representing the defendants in the

CALO AGOSTINO
A PROFESSIONAL CORPORATION
COUNSELLORS AT LAW

Hon. Richard M. Berman, U.S.D.J.
July 18, 2008
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It is my understanding that Mr. Priore initially contacted the plaintiffs' attorney and obtained her consent to extend the time within which the defendants would be required to answer or otherwise respond with respect to the Complaint. Shortly before the period within which the defendants were required to respond to the Complaint, plaintiffs' counsel forwarded a Stipulation which included a provision whereby the defendants consented to the jurisdiction and venue being laid in Southern District of New York. This provision was never discussed with Mr. Priore nor is it an Affirmative Defense which the defendants are willing to waive at this stage of the proceedings. Mr. Priore attempted to resolve this dispute with plaintiffs' counsel, to no avail. Unfortunately, by this time the defendants' time to answer the Complaint had expired. Plaintiffs' counsel continues to refuse to consent to extend the time to answer the Complaint unless the defendants consent to jurisdiction in the Southern District of New York.

The purpose of this letter is to formally request permission, on behalf of the defendants, to file a formal motion permitting the defendants an extension of time within which they may answer or otherwise respond to the Complaint. This is the first time such a request has been made in this case.

Your attention to this matter is greatly appreciated.

Respectfully,

CALO AGOSTINO, P.C.

By: 

Anthony F. Valente

AFV:jt
cc: Marina Trubitsky, Esq. (Via Federal Express)
Matthew T. Priore, Esq. (Via First Class Mail)